

# SENATE BILL 578

J2

(11r0306)

## ENROLLED BILL

— *Education, Health, and Environmental Affairs/Health and Government Operations* —

Introduced by **Senators Muse, Benson, Colburn, Currie, Edwards, Forehand, Montgomery, Pugh, Raskin, Rosapepe, ~~and Young~~ Young, Dyson, Klausmeier, and Pinsky**

Read and Examined by Proofreaders:

\_\_\_\_\_  
Proofreader.

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Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this \_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock, \_\_\_\_\_ M.

\_\_\_\_\_  
President.

### CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 ~~Health Occupations – Temporary Volunteer Dentist’s License, Temporary~~  
3 ~~Volunteer Dental Hygienist’s License, and Temporary Dental Clinic Permit~~  
4 State Board of Dental Examiners – Dentists and Dental Hygienists – Licenses,  
5 Temporary Volunteer Licenses, and Temporary Dental Clinic Permits

6 FOR the purpose of establishing a temporary volunteer dentist’s license, a temporary  
7 volunteer dental hygienist’s license, and a temporary dental clinic permit under  
8 the State Board of Dental Examiners; altering a certain qualification for certain  
9 dentists and dental hygienists for a certain license to practice dentistry or  
10 practice dental hygiene in the State; establishing certain procedures for  
11 dentists, dental hygienists, and bona fide charitable organizations to apply for  
12 certain licenses and permits; establishing the scope of practice of certain  
13 licenses; prohibiting the Board from requiring continuing education as a

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#### EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

*Italics indicate opposite chamber/conference committee amendments.*



1 condition for the issuance of certain licenses; requiring temporary dental clinics  
 2 to have a medical emergency plan, certain equipment, and certain safeguards;  
 3 specifying certain powers of the Board; altering certain definitions; defining a  
 4 certain term; making a stylistic change; and generally relating to ~~the~~  
 5 ~~establishment of a temporary volunteer dentist's license, a temporary volunteer~~  
 6 ~~dental hygienist's license, and a temporary dental clinic permit~~ the State Board  
 7 of Dental Examiners and dentist and dental hygienist licenses, temporary  
 8 volunteer licenses, and temporary dental clinic permits.

9 BY repealing and reenacting, with amendments,  
 10 Article – Health Occupations  
 11 Section 4–101, 4–304, 4–306(b), and 4–308  
 12 Annotated Code of Maryland  
 13 (2009 Replacement Volume and 2010 Supplement)

14 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
 15 MARYLAND, That the Laws of Maryland read as follows:

### 16 Article – Health Occupations

17 4–101.

18 (a) In this title the following words have the meanings indicated.

19 (b) “Board” means the State Board of Dental Examiners.

20 (c) “Dental appliance” means any:

21 (1) Oral prosthesis;

22 (2) Orthodontic appliance;

23 (3) Regulatory appliance;

24 (4) Supportive appliance; or

25 (5) Other intraoral appliance or restoration.

26 (d) “Dental hygienist” means an individual, other than a dentist, who  
 27 practices dental hygiene.

28 (e) “Dental laboratory” means any commercial laboratory or workroom in  
 29 which a person engages in dental laboratory work.

30 (f) “Dental laboratory work” means making, repairing, or altering a dental  
 31 appliance extraorally.

1 (g) “Dentist” means an individual who practices dentistry.

2 (h) (1) “License” means, unless the context requires otherwise, a license  
3 issued by the Board to:

4 (i) Practice dentistry; or

5 (ii) Practice dental hygiene.

6 (2) “License” includes, unless the context requires otherwise:

7 (i) A general license to practice dentistry;

8 (ii) A limited license to practice dentistry;

9 (iii) A teacher’s license to practice dentistry;

10 (iv) A general license to practice dental hygiene;

11 (v) A teacher’s license to practice dental hygiene;

12 (vi) A retired volunteer dentist’s license to practice dentistry;

13 (vii) A retired volunteer dental hygienist’s license to practice  
14 dental hygiene;

15 (viii) A volunteer dentist’s license to practice dentistry; [and]

16 (ix) A volunteer dental hygienist’s license to practice dental  
17 hygiene;

18 (X) A TEMPORARY VOLUNTEER DENTIST’S LICENSE TO  
19 PRACTICE DENTISTRY; AND

20 (XI) A TEMPORARY DENTAL HYGIENIST’S LICENSE TO  
21 PRACTICE DENTAL HYGIENE.

22 (i) (1) “Licensed dental hygienist” means, unless the context requires  
23 otherwise, a dental hygienist who is licensed by the Board to practice dental hygiene.

24 (2) “Licensed dental hygienist” includes, unless the context requires  
25 otherwise, a holder of:

26 (i) A general license to practice dental hygiene;

27 (ii) A teacher’s license to practice dental hygiene;

1 (iii) A retired volunteer dental hygienist's license to practice  
2 dental hygiene; [or]

3 (iv) A volunteer dental hygienist's license to practice dental  
4 hygiene; OR

5 (v) A TEMPORARY VOLUNTEER DENTAL HYGIENIST'S  
6 LICENSE TO PRACTICE DENTAL HYGIENE.

7 (j) (1) "Licensed dentist" means, unless the context requires otherwise, a  
8 dentist who is licensed by the Board to practice dentistry.

9 (2) "Licensed dentist" includes, unless the context requires otherwise,  
10 a holder of:

11 (i) A general license to practice dentistry;

12 (ii) A limited license to practice dentistry;

13 (iii) A teacher's license to practice dentistry;

14 (iv) A retired volunteer dentist's license to practice dentistry;  
15 [or]

16 (v) A volunteer dentist's license to practice dentistry; OR

17 (VI) A TEMPORARY VOLUNTEER DENTIST'S LICENSE TO  
18 PRACTICE DENTISTRY.

19 (k) "Practice dental hygiene" means to:

20 (1) Perform a preliminary dental examination;

21 (2) Perform a complete prophylaxis, including the removal of any  
22 deposit, accretion, or stain from the surface of a tooth or a restoration;

23 (3) Polish a tooth or a restoration;

24 (4) Chart cavities, restorations, missing teeth, periodontal conditions,  
25 and other features observed during preliminary examination, prophylaxis, or  
26 polishing;

27 (5) Apply a medicinal agent to a tooth for a prophylactic purpose;

28 (6) Take a dental X ray;

1 (7) Perform a manual curettage in conjunction with scaling and root  
2 planing;

3 (8) Administer local anesthesia in accordance with § 4–206.1 of this  
4 title; or

5 (9) Perform any other intraoral function that the Board authorizes by  
6 a rule or regulation adopted under § 4–206 of this title.

7 (l) “Practice dentistry” means to:

8 (1) Be a manager, a proprietor, or a conductor of or an operator in any  
9 place in which a dental service or dental operation is performed intraorally;

10 (2) Perform or attempt to perform any intraoral dental service or  
11 intraoral dental operation;

12 (3) Diagnose, treat, or attempt to diagnose or treat any disease, injury,  
13 malocclusion, or malposition of a tooth, gum, or jaw, or structures associated with a  
14 tooth, gum, or jaw if the service, operation, or procedure is included in the curricula of  
15 an accredited dental school or in an approved dental residency program of an  
16 accredited hospital or teaching institution;

17 (4) Perform or offer to perform dental laboratory work;

18 (5) Place or adjust a dental appliance in a human mouth; or

19 (6) Administer anesthesia for the purposes of dentistry and not as a  
20 medical specialty.

21 (m) Except as provided in § [4–308(e)(2)] **4–308(F)(2)** of this title,  
22 “supervision” means supervision of a dental hygienist by a dentist, where the dentist  
23 may or may not be present when the dental hygienist performs the dental hygiene  
24 procedures but is available on the premises.

25 **(N) “TEMPORARY DENTAL CLINIC PERMIT” MEANS, UNLESS THE**  
26 **CONTEXT REQUIRES OTHERWISE, A TEMPORARY PERMIT ISSUED BY THE BOARD**  
27 **TO A BONA FIDE CHARITABLE ORGANIZATION TO PROVIDE DENTAL SERVICES TO**  
28 **THE POOR, ELDERLY, OR DISABLED AT A DENTAL CLINIC.**

29 **[(n)] (O)** “Third party” means any person who collects premiums, assumes  
30 financial risks, pays claims, or provides administrative services relating to any:

31 (1) Insurance policy;

- 1 (2) Insurance contract;
- 2 (3) Health prepayment contract;
- 3 (4) Health care plan; or
- 4 (5) Nonprofit health service plan contract.

5 4–304.

6 (a) To apply for a license, an applicant shall:

7 (1) Submit an application to the Board on the form that the Board  
8 requires; and

9 (2) Pay to the Board an application fee set by the Board.

10 (b) In addition to the other requirements of this section, an applicant for a  
11 limited license to practice dentistry shall submit to the Board a written request, from  
12 the hospital, sanatorium, dental school, or public health program to which the practice  
13 is to be limited, that the license be issued.

14 (c) To apply for a retired volunteer dentist's license [or], a volunteer  
15 dentist's license, **OR A TEMPORARY VOLUNTEER DENTIST'S LICENSE** to practice  
16 dentistry, an applicant:

17 (1) Shall submit an application to the Board on the form that the  
18 Board requires; and

19 (2) May not be required to pay an application fee.

20 (d) (1) At least 30 days before the examination, an applicant for a general  
21 license to practice dental hygiene shall submit the application to the Board.

22 (2) In addition to the other requirements of this section, an applicant  
23 for a license to practice dental hygiene shall submit to the Board:

24 (i) Satisfactory evidence of graduation from a dental hygiene  
25 program accredited by the American Dental Association Commission on Dental  
26 Accreditation; and

27 (ii) Any other credentials that the Board requires.

28 (e) To apply for a retired volunteer dental hygienist's license [or], a  
29 volunteer dental hygienist's license, **OR A TEMPORARY VOLUNTEER DENTAL**  
30 **HYGIENIST'S LICENSE** to practice dental hygiene, an applicant:

1 (1) Shall submit an application to the Board on the form that the  
2 Board requires; and

3 (2) May not be required to pay an application fee.

4 (F) TO APPLY FOR A TEMPORARY DENTAL CLINIC PERMIT, AN  
5 APPLICANT:

6 (1) SHALL SUBMIT AN APPLICATION ON THE FORM THAT THE  
7 BOARD REQUIRES; AND

8 (2) MAY NOT BE REQUIRED TO PAY AN APPLICATION FEE.

9 4-306.

10 (b) (1) (i) A dentist licensed in any other state who has passed a  
11 regional board shall be granted a license in this State if the applicant passes the  
12 following examinations given by or designated by the Board:

13 1. A comprehensive examination on applied clinical  
14 diagnosis and treatment planning; and

15 2. A law examination.

16 (ii) A dentist licensed in any other state who has not passed a  
17 regional board shall be granted a license in this State if:

18 1. For the 5 preceding years the dentist has been  
19 actively engaged in practicing dentistry **FOR AT LEAST 850 HOURS ON AVERAGE**  
20 PER YEAR; and

21 2. The applicant passes the following examinations  
22 given by or designated by the Board:

23 A. A comprehensive examination on applied clinical  
24 diagnosis and treatment planning; and

25 B. A law examination.

26 (2) (i) A dental hygienist licensed in any other state who has  
27 passed a regional board shall be granted a license in this State if the applicant passes  
28 an examination given by the Board.

29 (ii) A dental hygienist licensed in any other state who has not  
30 passed a regional board shall be granted a license in this State if:

1                   1.     For the 3 preceding years the dental hygienist has  
2 been actively engaged in practicing dental hygiene FOR AT LEAST 150 HOURS ON  
3 AVERAGE PER YEAR; and

4                   2.     The applicant passes an examination given by or  
5 designated by the Board.

6 4–308.

7           (a)     A general license to practice dentistry issued under this title authorizes  
8 the licensee to practice dentistry while the license is effective.

9           (b)     While it is effective, a limited license to practice dentistry issued under  
10 this title authorizes the licensee to practice dentistry, including as an intern or a  
11 resident:

12                   (1)     Only for the institution or public health program named on the  
13 license; and

14                   (2)     Only on patients of the institution or public health program named  
15 on the license.

16           (c)     While it is effective, a retired volunteer dentist's license or a volunteer  
17 dentist's license to practice dentistry issued under this title authorizes the licensee to  
18 practice dentistry:

19                   (1)     Only in a dental office, dental clinic, ambulatory care facility, or  
20 hospital;

21                   (2)     Only for an entity providing medical care to the poor, elderly, or  
22 [handicapped] **DISABLED** that is operated by:

23                           (i)     The State or a local government;

24                           (ii)    A bona fide charitable organization; or

25                           (iii)  Any other entity authorized under regulations adopted by  
26 the Board;

27                   (3)     If the dentist signs a written statement agreeing to donate at least  
28 100 hours of dental services without compensation in a facility that satisfies the  
29 requirements of items (1) and (2) of this subsection;

30                   (4)     If the dentist provides documentation as required by the Board  
31 which evidences that the licensee is covered by malpractice insurance; and

1 (5) If the dentist does not otherwise practice dentistry for profit in  
2 Maryland.

3 (D) (1) WHILE IT IS EFFECTIVE, A TEMPORARY VOLUNTEER  
4 DENTIST'S LICENSE ISSUED UNDER THIS TITLE AUTHORIZES THE LICENSEE TO  
5 PRACTICE DENTISTRY:

6 (I) ONLY IN A TEMPORARY DENTAL CLINIC PROVIDING  
7 MEDICAL CARE TO THE POOR, ELDERLY, OR DISABLED THAT IS OPERATED BY:

8 1. A BONA FIDE CHARITABLE ORGANIZATION;

9 2. THE STATE OR A LOCAL GOVERNMENT; OR

10 3. A LOCAL HEALTH DEPARTMENT;

11 (II) 1. IF THE DENTIST HOLDS A GENERAL LICENSE TO  
12 PRACTICE DENTISTRY IN ANOTHER STATE THAT PERMITS CLINICAL PRACTICE  
13 AND THE DENTIST IS NOT SUBJECT TO CLINICAL RESTRICTIONS; AND

14 2. THE DENTIST HAS ~~PASSED~~:

15 A. ~~THE~~ PASSED THE NORTH EAST BOARD  
16 REGIONAL CLINICAL EXAMINATION; OR

17 B. ~~HAS SUBMITTED~~ SUBMITTED TO THE BOARD A  
18 NOTARIZED AFFIDAVIT OR OTHER EVIDENCE SATISFACTORY TO THE BOARD  
19 INDICATING THAT FOR THE 5 YEARS PRECEDING APPLICATION, THE APPLICANT  
20 HAS ACTIVELY ENGAGED IN PRACTICING DENTISTRY FOR AT LEAST 850 HOURS  
21 ON AVERAGE PER YEAR;

22 (III) IF THE DENTIST HAS FULFILLED ANY REQUIREMENTS  
23 OF THE BOARD RELATING TO KNOWLEDGE OF THE REGULATIONS ADOPTED BY  
24 THE BOARD AND THE LAWS CONCERNING THE PRACTICE OF DENTISTRY IN THE  
25 STATE;

26 (IV) IF THE DENTIST PROVIDES A NOTARIZED AFFIDAVIT TO  
27 THE BOARD AGREEING TO DONATE DENTAL SERVICES WITHOUT  
28 COMPENSATION FOR A ~~BONA FIDE CHARITABLE ORGANIZATION~~ TEMPORARY  
29 DENTAL CLINIC THAT SATISFIES THE REQUIREMENTS OF SUBSECTION (I) OF  
30 THIS SECTION;

1                   **(V) IF THE DENTIST PROVIDES DOCUMENTATION AS**  
2 **REQUIRED BY THE BOARD THAT EVIDENCES THAT THE DENTIST IS COVERED BY**  
3 **MALPRACTICE INSURANCE;**

4                   **(VI) IF THE DENTIST DOES NOT OTHERWISE PRACTICE**  
5 **DENTISTRY FOR PROFIT IN THE STATE; AND**

6                   **(VII) IF THE DENTIST PROVIDES VERIFICATION OF CURRENT**  
7 **CARDIOPULMONARY RESUSCITATION CERTIFICATION.**

8                   **(2) A DENTIST WHO HOLDS A TEMPORARY VOLUNTEER DENTIST'S**  
9 **LICENSE MAY NOT ADMINISTER, MAINTAIN, OR MONITOR GENERAL ANESTHESIA**  
10 **OR SEDATION.**

11                   **(3) A DENTIST WHO HOLDS A TEMPORARY VOLUNTEER DENTIST'S**  
12 **LICENSE MAY ONLY PROVIDE SERVICES AUTHORIZED UNDER THE MARYLAND**  
13 **DENTISTRY ACT AND THE REGULATIONS ADOPTED BY THE BOARD.**

14                   **(4) A DENTIST WHO HOLDS A TEMPORARY VOLUNTEER DENTIST'S**  
15 **LICENSE OR THE TEMPORARY DENTAL CLINIC IN WHICH THE DENTIST IS**  
16 **PROVIDING SERVICES SHALL PROVIDE A FORM TO A PATIENT AT THE**  
17 **CONCLUSION OF TREATMENT THAT CONTAINS:**

18                   **(I) A SUMMARY OF THE SERVICES THAT WERE PROVIDED**  
19 **TO THE PATIENT BY THE DENTIST AND, IF APPLICABLE, THE DENTAL**  
20 **HYGIENIST; AND**

21                   **(II) INSTRUCTIONS FOR ANY RECOMMENDED FOLLOW-UP**  
22 **DENTAL CARE.**

23                   **(5) THE BOARD MAY DENY A TEMPORARY VOLUNTEER DENTIST'S**  
24 **LICENSE ON THE GROUNDS PROVIDED UNDER § 4-315 OF THIS SUBTITLE.**

25                   **(6) A TEMPORARY VOLUNTEER DENTIST'S LICENSE ISSUED TO A**  
26 **DENTIST UNDER THIS TITLE SHALL BE ISSUED FOR THE DURATION OF THE**  
27 **TEMPORARY DENTAL CLINIC ONLY AND MAY NOT BE RENEWED.**

28                   **(7) THE BOARD MAY ISSUE A TEMPORARY VOLUNTEER DENTIST'S**  
29 **LICENSE TO A DENTIST WHO PREVIOUSLY HELD A TEMPORARY VOLUNTEER**  
30 **DENTIST'S LICENSE IF THE DENTIST APPLIES FOR A NEW LICENSE AND**  
31 **SATISFIES THE REQUIREMENTS OF THIS SUBTITLE.**

1           ~~(7)~~ **(8)**       **THE BOARD MAY NOT REQUIRE CONTINUING**  
2 **EDUCATION AS A CONDITION FOR THE ISSUANCE OF A TEMPORARY VOLUNTEER**  
3 **DENTIST'S LICENSE.**

4           **[(d)] (E)**       While it is effective, a teacher's license to practice dentistry issued  
5 under this title authorizes the licensee to practice dentistry at only the following  
6 institutions:

7                   (1)     The institution named on the license; and

8                   (2)     Other affiliated institutions as appropriate because of the  
9 specialized nature of the services to be performed.

10           **[(e)] (F)**     (1)     Except as provided in subsection **[(h)] (K)** of this section,  
11 while it is effective, a general license to practice dental hygiene issued under this title  
12 authorizes the licensee to practice dental hygiene:

13                   (i)     Under the supervision of a licensed dentist who is:

14                                 1.     On the premises and available for personal  
15 consultation while the services are being performed; or

16                                 2.     Not on the premises while authorized dental hygiene  
17 services are provided when the requirements of subsection **[(i)] (L)** of this section have  
18 been fully satisfied; and

19                   (ii)    Only in a:

20                                 1.     Dental office;

21                                 2.     Dental clinic;

22                                 3.     Hospital;

23                                 4.     School;

24                                 5.     Charitable institution; or

25                                 6.     Health maintenance organization certified by the  
26 State Insurance Commissioner.

27                   (2)     (i)     The Board may waive, on a case by case basis only, the  
28 supervision requirements of this subsection for:

29                                 1.     A dental facility owned and operated by the federal,  
30 the State, or a local government;



1           (5) (i) Except as provided under subparagraph (ii) of this  
2 paragraph, the Board shall accept or deny a waiver under paragraph (2) of this  
3 subsection within 60 calendar days of the receipt of the application for the waiver or it  
4 shall be deemed to have been accepted.

5           (ii) If extraordinary circumstances exist, the Board shall accept  
6 or deny a waiver under paragraph (2) of this subsection within 90 calendar days of the  
7 receipt of the application for the waiver or it shall be deemed to have been accepted.

8           (6) Any changes in the procedures or personnel of a facility with a  
9 waiver granted under this subsection shall be reported to the Board within 15  
10 business days after the change.

11           **[(f)] (G)** While it is effective, a retired volunteer dental hygienist's license  
12 or a volunteer hygienist's license to practice dental hygiene issued under this title  
13 authorizes the licensee to practice dental hygiene:

14           (1) Only in a dental office, dental clinic, ambulatory care facility, or  
15 hospital;

16           (2) Only for an entity providing medical care to the poor, elderly, or  
17 handicapped that is operated by:

18                   (i) The State or a local government;

19                   (ii) A bona fide charitable organization; or

20                   (iii) Any other entity authorized under regulations adopted by  
21 the Board;

22           (3) If the dental hygienist signs a written statement agreeing to  
23 donate at least 100 hours of dental hygiene services without compensation in a facility  
24 that satisfies the requirements of items (1) and (2) of this subsection;

25           (4) If the dental hygienist provides documentation as required by the  
26 Board which evidences that the licensee is covered by malpractice insurance; and

27           (5) If the dental hygienist does not otherwise practice dental hygiene  
28 for profit in Maryland.

29           **(H) (1) WHILE IT IS EFFECTIVE, A TEMPORARY VOLUNTEER DENTAL**  
30 **HYGIENIST'S LICENSE ISSUED UNDER THIS TITLE AUTHORIZES THE LICENSEE**  
31 **TO PRACTICE DENTAL HYGIENE:**

32                   **(I) ONLY IN A TEMPORARY DENTAL CLINIC PROVIDING**  
33 **MEDICAL CARE TO THE POOR, ELDERLY, OR DISABLED THAT IS OPERATED BY:**

- 1                   1.     **A BONA FIDE CHARITABLE ORGANIZATION;**  
2                   2.     **THE STATE OR A LOCAL GOVERNMENT; OR**  
3                   3.     **A LOCAL HEALTH DEPARTMENT;**

4                   **(II) IF THE DENTAL HYGIENIST HOLDS A GENERAL LICENSE**  
5 **TO PRACTICE DENTAL HYGIENE IN ANOTHER STATE THAT PERMITS CLINICAL**  
6 **PRACTICE AND THE DENTAL HYGIENIST IS NOT SUBJECT TO CLINICAL**  
7 **RESTRICTIONS;**

8                   **(III) IN ADDITION TO HOLDING A GENERAL LICENSE TO**  
9 **PRACTICE DENTAL HYGIENE, IF THE DENTAL HYGIENIST:**

10                   1.     **PROVIDES DOCUMENTATION AS REQUIRED BY**  
11 **THE BOARD WHICH EVIDENCES THAT THE DENTAL HYGIENIST PASSED THE**  
12 **NORTH EAST REGIONAL CLINICAL EXAMINATION; OR**

13                   2.     **SUBMITS TO THE BOARD A NOTARIZED AFFIDAVIT**  
14 **OR OTHER EVIDENCE SATISFACTORY TO THE BOARD INDICATING THAT FOR THE**  
15 **3 YEARS PRECEDING APPLICATION, THE DENTAL HYGIENIST HAS ACTIVELY**  
16 **ENGAGED IN PRACTICING DENTAL HYGIENE FOR AT LEAST 150 HOURS ON**  
17 **AVERAGE PER YEAR;**

18                   **(IV) IF THE DENTAL HYGIENIST HAS FULFILLED ANY**  
19 **REQUIREMENTS OF THE BOARD RELATED TO KNOWLEDGE OF THE LAWS AND**  
20 **REGULATIONS GOVERNING THE PRACTICE OF DENTAL HYGIENE IN THE STATE;**

21                   **(V) IF THE DENTAL HYGIENIST PROVIDES A NOTARIZED**  
22 **AFFIDAVIT TO THE BOARD AGREEING TO DONATE DENTAL HYGIENE SERVICES**  
23 **WITHOUT COMPENSATION FOR A ~~BONA FIDE CHARITABLE ORGANIZATION~~**  
24 **TEMPORARY DENTAL CLINIC THAT SATISFIES THE REQUIREMENTS OF**  
25 **SUBSECTION (I) OF THIS SECTION;**

26                   **(VI) IF THE DENTAL HYGIENIST PROVIDES DOCUMENTATION**  
27 **AS REQUIRED BY THE BOARD EVIDENCING THAT THE DENTAL HYGIENIST IS**  
28 **COVERED BY MALPRACTICE INSURANCE;**

29                   **(VII) IF THE DENTAL HYGIENIST DOES NOT OTHERWISE**  
30 **PRACTICE DENTAL HYGIENE FOR PROFIT IN THE STATE; AND**

31                   **(VIII) IF THE DENTAL HYGIENIST PROVIDES VERIFICATION OF**  
32 **CURRENT CARDIOPULMONARY RESUSCITATION CERTIFICATION.**

1           **(2) A DENTAL HYGIENIST WHO HOLDS A TEMPORARY VOLUNTEER**  
2 **DENTAL HYGIENIST’S LICENSE MAY ONLY PROVIDE SERVICES AUTHORIZED**  
3 **UNDER THE MARYLAND DENTISTRY ACT AND THE REGULATIONS ADOPTED BY**  
4 **THE BOARD.**

5           **(3) A DENTAL HYGIENIST WHO HOLDS A TEMPORARY VOLUNTEER**  
6 **DENTAL HYGIENIST’S LICENSE MAY NOT:**

7                   **(I) ADMINISTER LOCAL ANESTHESIA; OR**

8                   **(II) ADMINISTER, MAINTAIN, OR MONITOR NITROUS OXIDE**  
9 **OXYGEN.**

10           **(4) WHILE IT IS EFFECTIVE, A TEMPORARY VOLUNTEER DENTAL**  
11 **HYGIENIST’S LICENSE ISSUED UNDER THIS TITLE AUTHORIZES THE LICENSEE**  
12 **TO PRACTICE DENTAL HYGIENE UNDER THE GENERAL SUPERVISION OF A**  
13 **DENTIST WHO:**

14                   **(I) IS ON THE PREMISES;**

15                   **(II) EXAMINES THE PATIENT AT ANY TIME DURING THE**  
16 **TREATMENT; AND**

17                   **(III) IS AVAILABLE FOR PERSONAL CONSULTATION WHILE**  
18 **THE SERVICES ARE BEING PERFORMED.**

19           **(5) A DENTAL HYGIENIST MAY PERFORM AN ASSESSMENT OF**  
20 **DENTAL NEEDS AND PROVIDE DENTAL HYGIENE SERVICES PRIOR TO AN**  
21 **EXAMINATION BY A SUPERVISING DENTIST.**

22           **(6) THIS SUBSECTION MAY NOT BE CONSTRUED TO:**

23                   **(I) REQUIRE A PRELIMINARY DENTAL EXAMINATION OR**  
24 **TREATMENT BY A DENTAL HYGIENIST; OR**

25                   **(II) PROHIBIT A SUPERVISING DENTIST FROM EITHER**  
26 **EXAMINING A PATIENT OR PROVIDING TREATMENT TO A PATIENT PRIOR TO**  
27 **TREATMENT BY A DENTAL HYGIENIST.**

28           **(7) THE BOARD MAY DENY A TEMPORARY VOLUNTEER LICENSE**  
29 **TO PRACTICE DENTAL HYGIENE ON THE GROUNDS PROVIDED UNDER § 4-315 OF**  
30 **THIS SUBTITLE.**

1           **(8) A TEMPORARY VOLUNTEER DENTAL HYGIENIST'S LICENSE**  
2 **ISSUED TO A DENTAL HYGIENIST UNDER THIS SECTION SHALL BE ISSUED FOR**  
3 **THE DURATION OF THE TEMPORARY DENTAL CLINIC ONLY AND MAY NOT BE**  
4 **RENEWED.**

5           **(9) THE BOARD MAY ISSUE A TEMPORARY VOLUNTEER DENTAL**  
6 **HYGIENIST'S LICENSE TO A DENTAL HYGIENIST WHO PREVIOUSLY HELD A**  
7 **TEMPORARY VOLUNTEER DENTAL HYGIENIST'S LICENSE IF THE DENTAL**  
8 **HYGIENIST APPLIES FOR A NEW LICENSE AND SATISFIES THE REQUIREMENTS**  
9 **OF THIS SUBTITLE.**

10           ~~**(9)**~~ **(10) THE BOARD MAY NOT REQUIRE CONTINUING**  
11 **EDUCATION AS A CONDITION FOR THE ISSUANCE OF A TEMPORARY VOLUNTEER**  
12 **DENTAL HYGIENIST'S LICENSE.**

13           **(I) (1) WHILE IT IS EFFECTIVE, A TEMPORARY DENTAL CLINIC**  
14 **PERMIT ISSUED TO A BONA FIDE CHARITABLE ORGANIZATION UNDER THIS**  
15 **TITLE AUTHORIZES THE PERMIT HOLDER TO UTILIZE HOLDERS OF A**  
16 **TEMPORARY VOLUNTEER DENTIST'S LICENSE OR A TEMPORARY VOLUNTEER**  
17 **DENTAL HYGIENIST'S LICENSE TO PROVIDE DENTAL SERVICES TO THE POOR,**  
18 **ELDERLY, OR DISABLED AT A TEMPORARY DENTAL CLINIC THAT IS OPERATED**  
19 **BY THE BONA FIDE CHARITABLE ORGANIZATION.**

20           **(2) THE BOARD SHALL ISSUE A TEMPORARY DENTAL CLINIC**  
21 **PERMIT TO A BONA FIDE CHARITABLE ORGANIZATION THAT MEETS THE**  
22 **REQUIREMENTS OF THIS SUBSECTION.**

23           **(3) A TEMPORARY DENTAL CLINIC PERMIT ISSUED TO A BONA**  
24 **FIDE CHARITABLE ORGANIZATION UNDER THIS TITLE SHALL BE ISSUED FOR**  
25 **THE DURATION OF THE DENTAL CLINIC ONLY AND MAY NOT BE RENEWED.**

26           **(4) THE BOARD MAY ISSUE A TEMPORARY DENTAL CLINIC**  
27 **PERMIT TO A BONA FIDE CHARITABLE ORGANIZATION THAT PREVIOUSLY HELD**  
28 **A TEMPORARY DENTAL CLINIC PERMIT IF THE BONA FIDE CHARITABLE**  
29 **ORGANIZATION APPLIES FOR A NEW PERMIT AND SATISFIES THE**  
30 **REQUIREMENTS OF THIS SUBTITLE.**

31           ~~**(4)**~~ **(5) A BONA FIDE CHARITABLE ORGANIZATION THAT**  
32 **CONDUCTS A TEMPORARY DENTAL CLINIC UNDER THIS TITLE MAY NOT BE**  
33 **CONSTRUED TO BE PRACTICING DENTISTRY AS DEFINED IN § 4-101 OF THIS**  
34 **TITLE.**

1           ~~(5)~~ (6)       (I)    THE STATE, A LOCAL GOVERNMENT, OR A LOCAL  
2 HEALTH DEPARTMENT THAT PROVIDES DENTAL SERVICES TO THE POOR,  
3 ELDERLY, OR DISABLED:

4                           1.    MAY NOT BE REQUIRED BY THE BOARD TO SEEK  
5 AUTHORIZATION UNDER THIS TITLE TO PROVIDE THE SERVICES; AND

6                           2.    SHALL PROVIDE WRITTEN NOTICE TO THE BOARD  
7 OF ITS INTENTION TO PROVIDE DENTAL SERVICES TO THE POOR, ELDERLY, OR  
8 DISABLED AT LEAST 60 DAYS PRIOR TO THE DATE THE SERVICES ARE TO BE  
9 PROVIDED.

10                        (II)   A HOLDER OF AN OUT-OF-STATE LICENSE TO PRACTICE  
11 DENTISTRY OR DENTAL HYGIENE WHO WOULD LIKE TO PROVIDE DENTAL  
12 SERVICES SPONSORED BY THE STATE, A LOCAL GOVERNMENT, OR A LOCAL  
13 HEALTH DEPARTMENT SHALL OBTAIN A TEMPORARY VOLUNTEER DENTIST'S  
14 LICENSE OR TEMPORARY VOLUNTEER DENTAL HYGIENIST'S LICENSE AS  
15 PROVIDED IN THIS TITLE BEFORE PROVIDING THE DENTAL SERVICES.

16                       ~~(6)~~ (7)       A HOLDER OF A TEMPORARY DENTAL CLINIC PERMIT  
17 SHALL HAVE:

18                           (I)    A MEDICAL EMERGENCY PLAN;

19                           (II)   ADEQUATE EQUIPMENT, INCLUDING PORTABLE  
20 EQUIPMENT WHERE APPROPRIATE, AND APPROPRIATE ARMAMENTARIUM  
21 AVAILABLE FOR THE APPROPRIATE DELIVERY OF DENTAL SERVICES; AND

22                           (III)   ADEQUATE SAFEGUARDS TO PROTECT THE HEALTH AND  
23 SAFETY OF PATIENTS.

24                       ~~(7)~~ (8)       THE BOARD MAY:

25                           (I)    ENTER AND INSPECT A TEMPORARY DENTAL CLINIC IN  
26 ORDER TO CARRY OUT A DUTY UNDER THIS TITLE; AND

27                           (II)   CONDUCT AN INVESTIGATION OF A TEMPORARY  
28 DENTAL CLINIC OR A HOLDER OF A TEMPORARY VOLUNTEER DENTIST'S  
29 LICENSE OR A TEMPORARY VOLUNTEER DENTAL HYGIENIST'S LICENSE  
30 PROVIDING DENTAL SERVICES AT THE TEMPORARY DENTAL CLINIC.

31                       [(g)] (J)       While it is effective, a teacher's license to practice dental hygiene  
32 issued under this title authorizes the licensee to:

1                   (1)    Teach dental hygiene only at the institution named on the license;  
2 and

3                   (2)    Practice dental hygiene under the general supervision of a licensed  
4 dentist with the institution named on the license.

5           **[(h)] (K)**   (1)   (i)    In this subsection the following words have the  
6 meanings indicated.

7                   (ii)   “Contractual employee” means a dental hygienist who has  
8 an annual contract to practice dental hygiene an average of at least 8 hours per week  
9 in a facility specified under paragraph (3)(i) of this subsection.

10                  (iii)  “Facility” includes a program operated within a facility that  
11 is specified under paragraph (3)(i) of this subsection.

12                  (iv)   “Federally qualified health center” has the meaning stated  
13 in 42 U.S.C. § 254b(a).

14                  (v)    “Federally qualified health center look-alike” has the  
15 meaning stated in 42 U.S.C. § 1396d(l)(2)(B).

16                  (vi)   “General supervision” means supervision of a dental  
17 hygienist by a dentist, where the dentist may or may not be present when the dental  
18 hygienist performs the dental hygiene procedures.

19                  (2)    (i)    While effective, a general license to practice dental hygiene  
20 issued under this title authorizes the licensee to practice dental hygiene and apply  
21 sealants or fluoride agents such as professional topical fluoride treatments, mouth  
22 rinse, or varnish:

23                               1.    Under general supervision in accordance with this  
24 subsection; and

25                               2.    In a facility specified under paragraph (3)(i) of this  
26 subsection that complies with the requirements of this subsection.

27                   (ii)    This subsection may not be construed to:

28                               1.    Authorize a dental hygienist to practice dental  
29 hygiene independent of a supervising dentist;

30                               2.    Prohibit a dentist from being available for personal  
31 consultation or on the premises where a dental hygienist is practicing; or

32                               3.    Require a waiver under subsection **[(e)] (F)** of this  
33 section.

1                   (3)   (i)   While it is effective, a general license to practice dental  
2 hygiene issued under this title authorizes the licensee to practice dental hygiene under  
3 general supervision in:

4                               1.   A dental facility owned and operated by the federal,  
5 the State, or a local government;

6                               2.   A public health department or public school of the  
7 State or a county;

8                               3.   A facility in which a program licensed by the  
9 Department is operating;

10                              4.   A facility owned and operated by the Department of  
11 Juvenile Services;

12                              5.   A facility owned and operated by the State or a local  
13 government that provides medical care to the poor, elderly, or handicapped;

14                              6.   A facility in which a federally qualified health center  
15 or a federally qualified health center look-alike is located; or

16                              7.   A facility in which a State licensed Head Start  
17 Program or Early Head Start Program operates.

18                              (ii)   Before a facility may allow a dental hygienist authorized to  
19 practice dental hygiene under general supervision in accordance with this subsection  
20 to practice in the facility, the facility shall report to the Board:

21                                       1.   That the facility is operating under general  
22 supervision; and

23                                       2.   The identity of each supervising dentist and each  
24 dental hygienist.

25                   (4)   A facility in which a dental hygienist is authorized to practice  
26 under the general supervision of a licensed dentist in accordance with this subsection  
27 shall ensure that:

28                              (i)   The supervising dentist for the facility:

29                                       1.   Holds an active general license to practice dentistry in  
30 the State;

31                                       2.   Holds a current certificate evidencing health provider  
32 level C proficiency, or its equivalent, in cardiopulmonary resuscitation; and



1 (viii) Reports to the Board any changes in the status of the  
2 facility's general supervision, any supervising dentist, or any dental hygienist within  
3 30 days after the change.

4 **[(i)] (L)** (1) In this subsection, "private dental office" means a dental  
5 office owned and operated by:

6 (i) A licensed dentist; or

7 (ii) A professional corporation, partnership, limited liability  
8 company, or limited liability partnership owned and controlled by a licensed dentist.

9 (2) While it is effective, a general license to practice dental hygiene  
10 issued under this title authorizes the licensee to practice dental hygiene under the  
11 general supervision of a licensed dentist in a private dental office.

12 (3) A private dental office in which a dental hygienist is authorized to  
13 practice under the general supervision of a licensed dentist shall ensure that:

14 (i) The supervising dentist holds an active license to practice  
15 dentistry in this State;

16 (ii) The dental hygienist holds an active license to practice  
17 dental hygiene in this State;

18 (iii) The dental hygienist has at least 1,500 hours of dental  
19 hygiene clinical practice in direct patient care; and

20 (iv) There is a written agreement between the supervising  
21 dentist and the dental hygienist practicing under general supervision that clearly sets  
22 forth the terms and conditions under which the dental hygienist may practice,  
23 including a statement that the dental hygienist may provide dental hygiene services  
24 without the supervising dentist on the premises.

25 (4) A dental hygienist may perform authorized dental hygiene services  
26 without the supervising dentist on the premises only if:

27 (i) After the supervising dentist examines and evaluates a  
28 patient, the prescribed and authorized treatment to be provided by the dental  
29 hygienist is written in the patient's records;

30 (ii) 1. Treatments authorized by a supervising dentist to be  
31 provided by the dental hygienist are rendered no later than 7 months from the date  
32 the patient was examined and evaluated by the supervising dentist; and

1                   2.    Upon expiration of a prescription or prescribed  
2 treatment, the supervising dentist examines and reevaluates the patient before  
3 writing a new prescription and authorization for treatment;

4                   (iii)   Prior to an appointment, the patient or the custodial parent  
5 or legal guardian of a minor or incompetent adult shall:

6                   1.    Be informed that a dental hygienist will be providing  
7 services previously prescribed by a dentist who will not be on the premises during the  
8 appointment; and

9                   2.    Consent to receiving the dental hygiene services;

10                  (iv)   Written emergency procedures are in place and the dental  
11 hygienist is trained to implement the emergency procedures;

12                  (v)    A designated licensed dentist is available for consultation  
13 with the dental hygienist; and

14                  (vi)   The number of unsupervised clinical hours worked by a  
15 supervised dental hygienist in any given 3-month period is less than 60 percent of the  
16 dental hygienist's total hours worked during that 3-month period.

17                  (5)    A supervising dentist may not employ more than two dental  
18 hygienists to work under the dentist's general supervision at any given time.

19                  **[(j)] (M)**   (1)   (i)    In this subsection the following words have the  
20 meanings indicated.

21                               (ii)    "Assisted living program" has the meaning stated in §  
22 19-1801 of the Health – General Article.

23                               (iii)   "General supervision" means supervision of a dental  
24 hygienist by a dentist, where the dentist may or may not be present when the dental  
25 hygienist performs the dental hygiene procedures.

26                               (iv)    "Long-term care facility" means:

27                                       1.    A nursing home; or

28                                       2.    An assisted living program.

29                               (v)    "Nursing home" has the meaning stated in §  
30 19-1401 of the Health – General Article.

31                   (2)    (i)    While it is effective, a general license to practice dental  
32 hygiene issued under this title authorizes the licensee to practice dental hygiene under

1 the general supervision of a licensed dentist in a long-term care facility in accordance  
2 with this subsection.

3 (ii) This subsection may not be construed to:

4 1. Authorize a dental hygienist to practice dental  
5 hygiene independent of a supervising dentist;

6 2. Prohibit a dentist from being available for personal  
7 consultation or on the premises where a dental hygienist is practicing;

8 3. Prohibit a dental hygienist, without the supervision of  
9 a dentist, from performing a preliminary dental examination with subsequent referral  
10 to a dentist; or

11 4. Require a waiver under subsection [(e)] (F) of this  
12 section.

13 (3) Before a dental hygienist is authorized to practice dental hygiene  
14 under general supervision in a long-term care facility in accordance with this  
15 subsection, the dental hygienist shall:

16 (i) Hold an active license to practice dental hygiene in the  
17 State;

18 (ii) Hold a current certificate evidencing health provider level C  
19 proficiency, or its equivalent, in cardiopulmonary resuscitation;

20 (iii) Have at least 2 years of active clinical practice in direct  
21 patient care; and

22 (iv) Ensure that the long-term care facility where the dental  
23 hygienist will practice under general supervision has:

24 1. A written medical emergency plan in place;

25 2. Adequate equipment, including portable equipment  
26 and appropriate armamentarium, available for the appropriate delivery of dental  
27 hygiene services; and

28 3. Adequate safeguards to protect the patient's health  
29 and safety.

30 (4) Before a dental hygienist is authorized to practice dental hygiene  
31 under general supervision in a long-term care facility in accordance with this  
32 subsection, the supervising dentist shall:

1 (i) Hold an active general license to practice dentistry in the  
2 State;

3 (ii) Hold a current certificate evidencing health provider level C  
4 proficiency, or its equivalent, in cardiopulmonary resuscitation; and

5 (iii) Have at least 2 years of active clinical practice in direct  
6 patient care.

7 (5) A dental hygienist practicing under the general supervision of a  
8 licensed dentist in a long-term care facility and performing an authorized dental  
9 hygiene service for a patient's initial appointment shall:

10 (i) Have a written agreement between the supervising dentist  
11 and the dental hygienist that clearly sets forth the terms and conditions under which  
12 the dental hygienist may practice, including a statement that the dental hygienist  
13 may provide dental hygiene services without the supervising dentist on the premises;

14 (ii) Ensure that the supervising dentist is available for  
15 consultation with the dental hygienist:

16 1. In person;

17 2. By telephone; or

18 3. Electronically;

19 (iii) Consult with the supervising dentist or a treating physician  
20 before proceeding with initial treatment if there is a change in a recall patient's  
21 medical history;

22 (iv) Assess the appropriate recall interval based on the  
23 individual needs of the patient, or as otherwise recommended by the supervising  
24 dentist;

25 (v) Limit dental hygiene tasks and procedures to:

26 1. Toothbrush prophylaxis;

27 2. Application of fluoride;

28 3. Dental hygiene instruction;

29 4. Assessment of the patient's apparent need for further  
30 evaluation by a dentist in order to diagnose the presence of dental disease; and

1                   5. Other duties as may be delegated, verbally or in  
2 writing, by the supervising dentist; and

3                   (vi) Submit findings of the initial assessment to the supervising  
4 dentist for a determination of future treatment.

5                   (6) A dental hygienist may perform subsequent authorized dental  
6 hygiene services without the supervising dentist on the premises only if:

7                   (i) The supervising dentist examines the patient and authorizes  
8 in the patient's record a prescription of specific treatment to be provided by the dental  
9 hygienist;

10                   (ii) An authorized treatment is provided by the dental hygienist  
11 as soon as possible, but no later than 7 months from the date the patient was  
12 examined by the supervising dentist; and

13                   (iii) Upon expiration of a prescribed treatment, the supervising  
14 dentist is responsible for determining future protocols for the treatment of the patient.

15                   SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
16 ~~October~~ July 1, 2011.

Approved:

\_\_\_\_\_  
Governor.

\_\_\_\_\_  
President of the Senate.

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Speaker of the House of Delegates.